

Senate File 38 - Introduced

SENATE FILE 38

BY JOCHUM

A BILL FOR

1 An Act relating to the transfer of real property by requiring
2 disclosure of the use of property for the manufacture, use,
3 storage, or sale of methamphetamine and making penalties
4 applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 558A.4, subsection 1, Code 2015, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Ob.* The disclosure statement shall include
4 information relating to whether the real property has been used
5 for the manufacture, use, storage, or sale of methamphetamine,
6 its salts, isomers, or salts of isomers, as provided in rules
7 which shall be adopted by the real estate commission pursuant
8 to section 543B.9. If the disclosure statement indicates
9 that the real property has been used for the manufacture,
10 use, storage, or sale of any such substance, the transferor
11 shall provide informational materials explaining the health
12 risks associated with contaminated real property along with
13 the disclosure statement. The commission shall consult with
14 the department of public health to develop such informational
15 materials.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill requires that the transferor of real property
20 disclose whether the property has been used for the
21 manufacture, use, storage, or sale of methamphetamine. The
22 bill also requires that the transferor provide informational
23 materials on the health risks associated with contaminated real
24 property along with the disclosure statement if the disclosure
25 statement indicates that the real property has been used for
26 the manufacture, use, storage, or sale of methamphetamine.
27 The bill requires the real estate commission to consult with
28 the department of public health to develop the informational
29 materials.

30 Code section 714.8(20) provides that if real property is
31 being sold on contract, the contract seller is guilty of a
32 fraudulent practice if the seller intentionally provides
33 inaccurate information on matters required to be included in
34 a disclosure statement.